

Article 6

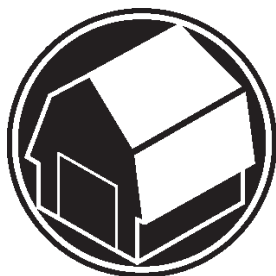
Use Requirements

6

Article Six: Use Standards Page

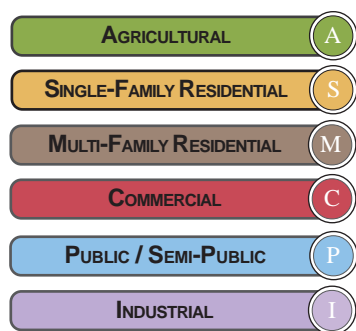
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PUBLIC REVIEW DRAFT



Intent:

The intent of these accessory use & structure standards is to address the unique features of these types of structures and uses; allow the reasonable utilization of property; and to ensure the provision of adequate light, air, and circulation on each property.



6.1 Accessory Use/Structure Requirements

General Accessory Use/Structure Requirements

These General Accessory Use/Structure Requirements apply to all zoning districts.

- A. **Order of Establishment:** No accessory use or structure shall be permitted to be located, placed, or established on any lot prior to the establishment of a primary use or structure. All accessory uses and structures shall be permitted only in association with, and on the same lot as, the primary use or structure.
- B. **Farm Exemption:** Properties on which a farm is the primary use shall not be considered as having distinct "primary" or "accessory" structures other than those specific listed as accessories by this Chapter.
- C. **Incidental Uses & Structures:** The following shall be considered incidental uses and structures and shall meet the requirements specified.
 1. **Satellite Dish:** All satellite dish located in a single-family residential zoning district that exceed 1 meter (approximately 3.3 feet) in diameter and those located in all other zoning districts that exceed 2 meters (approximately 6.6 feet) in diameter shall comply with the following requirements. All smaller satellite dish shall be exempt from the requirements of this Ordinance.
 - a. **Location:** All satellite dish shall meet the location requirements specified by Section 6.1(E).
 - b. **Height:** No satellite dish shall exceed 10 feet in height from ground level (if mounted on the ground) or 5 feet in height above the highest point of the roof of the primary structure (if mounted on the roof). Satellite dish shall be permitted to exceed these height requirements if a determination is made by the Board of Zoning Appeals, through the development standards variance process, that the increased height is technically necessary to successfully receive satellite signals.

6.1 Accessory Use/Structure Req. (cont.)

General Accessory Use/Structure Requirements



2. Trash & Recycling Containers: All dumpsters and other similar trash containers with a capacity of 6 cubic feet or greater shall be screened from view of all public streets and roads and all adjacent properties. At a minimum, the screening shall consist of a 6 foot tall, 100% opaque fence of wood, stone, or brick construction. The access to the containers shall be equipped with 100% opaque gates. All recycling containers for exclusive use of the public shall be exempt from this requirement as long as the recycling container(s) located on any single property do not exceed a total capacity of 40 cubic yards for a single container or 30 cubic yards for multiple containers. A site plan and Improvement Location Permit shall be required.
3. Outdoor Storage, Display and Sales: The following requirements apply to all outdoor storage, display and sales:
 - a. *Business Relationship:* Merchandise stored, sold and/or displayed shall be accessory to the business conducted within the primary structure and shall be owned, leased or operated by the same individual(s) or business(es) occupying the primary structure.
 - b. *Prohibited Locations:* Outdoor storage, display and sales shall not be located in any required parking or circulation area, loading area, accessway, required setback or applicable sight visibility triangle, nor block vehicular or pedestrian accessibility or circulation through the site. Outdoor storage, display and sales shall not be permitted within any area required to be landscaped, or in any buffer area, in accordance with Article 8, Landscaping Requirements.
 - c. *Loading Areas:* Any staging area intended for the temporary loading or unloading of materials for outdoor display or sales shall be clearly marked on the pavement. The use of staging areas is restricted to unloading and may not be used for storage or display.
 - d. *Sidewalk Use:* Outdoor sales and display shall be prohibited on City-owned, County-owned or State-owned sidewalks, public land or public right-of-way unless approved by the Board of Public Works and Safety, Board of County Commissioners, or Indiana Department of Transportation, as applicable.
 - e. *Exemptions:* Lots on which plant and tree nurseries are the primary use shall be exempt from these requirements, provided that any stockpiling or storage of loose materials shall be contained within bins or similar structures to prevent spillage and blowing of materials. The sale of plant materials at general retailers and other similar locations shall not be exempt from the requirements of this Section.



6.1 Accessory Use/Structure Req. (cont.)

General Accessory Use/Structure Requirements

- f. *Temporary Outdoor Sales and Display:* Temporary outdoor sales and display includes any merchandise display taken inside or otherwise removed at the close of each business day; and/or any outdoor sales and display that is left outdoors for a period of no more than 60 days in any 1 calendar year. Where temporary outdoor sales and display occurs, the following requirements shall apply:
 - i. Display areas shall maintain adequate clear area for safe pedestrian circulation along any required pedestrian route. The clear area shall be no less than 5 feet wide and shall meet all applicable state and federal regulations and building codes, including all barrier-free and ADA requirements. The size and width of clear areas and pedestrian circulation areas located upon public sidewalks shall be at the discretion of the Board of Public Works or the Board of County Commissioners, as applicable.
 - ii. No items shall be stored, displayed, or stacked above a height of 6 feet. Individual merchandise items that exceed 6 feet in height, such as heavy machinery or landscaping plants, are exempt from this requirement, provided that they do not exceed the height of the primary structure.
 - iii. Any temporary sales and display left outside beyond business hours shall require an Improvement Location Permit. The application for the permit shall state how the above requirements shall be met, and shall include a site plan, drawn to scale, that illustrates the location of the temporary sales and display area. All structures associated with the temporary outdoor sales or display shall be removed once activities have ceased. The outdoor sales or display area must be restored to its permanent condition within the time frame of the permit.
- g. *Permanent Outdoor Sales and Display:* Within the City of Columbus jurisdiction, outdoor sales and/or display that is utilized for more than 60 days in any 1 calendar year shall be considered permanent and shall be subject to the following requirements. Permanent outdoor sales and/or display within the Bartholomew County jurisdiction shall comply with the requirements of Section 6.1(C)(3)(b).
 - i. The area dedicated to outdoor sales and/or display shall not exceed 10% of the allowed lot coverage for properties within the zoning district in which the use is located.
 - ii. All outdoor storage areas shall be paved (except for certain vehicle display lots as described in Section 6.1(C)(3)(d)(iii), below) and shall be graded and drained to dispose of all surface water.

6.1 Accessory Use/Structure Req. (cont.)

General Accessory Use/Structure Requirements



- iii. The outdoor sales and display area must be enclosed on a minimum of 3 sides by a 100% opaque fence or wall that is at least 6 feet high and made of wood, brick or masonry. If any side of the outdoor sales or display area is adjacent to a Type “A” Buffer Yard utilizing a fence (see Chapter 8.2) on the same lot, the fence required for the buffer shall suffice for the storage area fence requirement.
- iv. The outdoor sales and display area enclosure shall be designed and constructed of materials that are consistent with the character of the primary structure on the lot.
- v. The storage of pallets, soil, stone, sand, mulch, and similar stockpiled or loose materials shall be contained within bins or similar structures that prevent spillage and blowing of materials.
- h. *Outdoor Display and Sales of Vehicles and Farm Implements:*
 - i. Not more than 1 vehicle display pad shall be permitted for each 100 feet of lot frontage on a public street or road. A vehicle display pad may not exceed 6 feet in height. A vehicle display pad may not be located within a required setback.
 - ii. Vehicle display lots shall be considered the same as parking lots for meeting the landscaping requirements of Article 8, except that a vehicle display lot is not required to provide perimeter parking lot landscaping as required by Section 8.1(C)(3)(a).
 - iii. Vehicle display lots that display passenger automobiles and trucks shall be paved. Lots displaying farm implements, recreational vehicles, construction equipment and similar vehicles may have a gravel surface.
- i. *Nonresidential Outdoor Storage:* Storage of items that are not intended for display and/or sale shall be subject to the following:
 - i. In Commercial zoning districts, outdoor storage areas shall be screened by a 100% opaque fence that is 6 feet in height. The use of metal fences with slats/inserts is not permitted. Any portion of an outdoor storage area fence that is adjacent to or visible from a public street or road shall include landscaping consistent with a Buffer Yard Type B as specified by Section 8.2(D) on the exterior of the fence, unless a Buffer Yard Type A is required by Chapter 8.2.



6.1 Accessory Use/Structure Req. (cont.)

General Accessory Use/Structure Requirements

- ii. In Industrial zoning districts, outdoor storage areas that are adjacent to or visible from a Collector or Arterial street or road shall be screened by a 100% opaque fence that is a minimum of 6 feet in height and may extend to a maximum height of 8 feet. Landscaping, consistent with a Buffer Yard Type B as specified by Section 8.2 (D) shall be provided on the exterior of any required fence, unless a Buffer Yard Type A is required by Chapter 8.2.
- 4. Child Day-Care Home Standards: Child day-care homes shall meet the definition established by I.C. 12-7-2-28.6 and shall be consistent with all applicable regulations of the State of Indiana.
- 5. Other Incidentals: Bird baths and houses, swing sets, mailboxes, lamp posts, doghouses, attached & detached decks that are less than 30 inches above finished grade, patios, fences, yard ornaments, athletic courts, shelters, and similar items and structures of less than 120 square feet in lot coverage, shall meet any other applicable standards established by this Ordinance, but shall be exempt from the requirements of this Chapter.

D. Permitted Accessory Uses: Accessory uses shall be permitted in each zoning district as either permitted uses or conditional uses consistent with the Permitted Accessory Uses table. All accessory uses shall be subject to the standards provided by this Chapter. The Planning Director shall determine whether or not uses not specifically listed are permitted based on the consistency of each use with the intent of the district in which it is located.

Permitted Accessory Uses (Table 6.1)

Use (P - Permitted, C - Conditional)	Zoning District																					
	AV	AP	AG	RR	RS1	RS2	RS3	RS4	RE	RT	RM	RMH	CD	CN	CN	CO	CC	CR	P	I1	I2	I3
dwelling, accessory (see Section 6.1(D)(1))	C	C	C	C	C	C	C		C													
recreation / guest building (see Section 6.1(D)(2))		C	C	C																		
adult day-care home	C	C	C	C	C	C	C	C	C	C	C	C										
home-based business (see Chapter 6.6)	P	P	P	P	P	P	P	P	P	P	P	P										
drive-up window / facility													C	C	C	P	P	P	P	P	P	P
retail sales of products manufactured on-site																				P	P	P

6.1 Accessory Use/Structure Req. (cont.)

General Accessory Use/Structure Requirements



1. Accessory Dwellings: Single-family dwellings constructed and used as accessories to the primary dwelling on the property (otherwise commonly known as "mother-in-laws quarters" or "granny flats") shall be either (a) attached to, and designed and constructed as part of the primary structure or (b) located above a detached garage or workshop.
 - a. The living area of any accessory dwelling shall not exceed 800 square feet or an amount equal to 65% of the primary residence, whichever is less. Except, however, that no accessory dwelling shall be less than 500 square feet in living area.
 - b. A maximum of 1 accessory dwelling may be permitted on each property.
 - c. The accessory dwelling shall not require the establishment of an additional driveway.
 - d. The accessory dwelling shall be considered a separate dwelling for the purpose of calculating required off-street parking spaces consistent with Article 7.
 - e. Both the primary residence and the accessory dwelling shall either (i) be served by a public sewer system or (ii.) be served jointly by a single septic system approved by the Bartholomew County Health Department.
 2. Recreation / Guest Buildings: Buildings used for recreation and/or guest quarters shall be limited to 1 such structure per property. Such facilities shall be limited to a maximum size equal to 65% of the total living area in the primary residence.
- E. **Accessory Structure Location**: Accessory structures shall comply with the following location requirements:
1. Septic Fields: No accessory structures shall be placed in any active or alternate septic fields.
 2. Landscaping & Buffer Areas: No accessory structure shall encroach into any required landscaped area or buffer yard.
 3. Yard Location: Drive-up facilities shall not be located in any required setback. No other accessory structure shall be permitted in any front yard, or within the required side and rear yard setbacks specified by the district in which it is located.
 4. Vehicle Access: No garage vehicle entrance from a street or alley shall be setback less than 20 feet from the adjacent right-of-way (to allow for off-street parking). Properties located in the RE, Established Residential zoning district shall be exempt from this requirement.



6.1 Accessory Use/Structure Req. (cont.)

General Accessory Use/Structure Requirements

F. **Permitted Accessory Structures:** Accessory structures shall be permitted consistent the Permitted Accessory Structures table and shall be subject to the following requirements:

1. **Interpretation:** The Planning Director shall determine whether or not accessory structures not specifically listed are permitted based on the consistency of each structure with the intent of the district in which it is located.

Permitted Accessory Structures (Table 6.2)

Structure (P - Permitted, C - Conditional)	Zoning District																
	AV	AP	AG	RR	RS1	RS2	RS3	RS4	RE	RT	RM	RMH	CD	CN	CN	CO	CC
amateur radio & other receiver antenna (see Section 6.1)(F)(2)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
attached & detached decks above 30 inches from grade	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
recreational greenhouses	P	P	P	P	P	P	P	P	P								
detached garages and carports	P	P	P	P	P	P	P	P	P	P	P	P					
mini-barns, sheds, & gazebos	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
swimming pools & hot tubs (deeper than 18 inches)	P	P	P	P	P	P	P	P	P	P	P	P					
other structures for permitted primary or accessory uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

2. **Limitations:** The total lot coverage of accessory structures present on any property shall not exceed an amount equal to 65% of the ground floor area of the primary structure on that property. In addition, lots of less than 5 acres shall be limited to a maximum of 5 total accessory structures and a maximum of 2 of any one type of accessory structure (mini-barn, garage, etc.)
3. **Amateur Radio and Television & Radio Receiver Antennas:** All amateur radio antenna, CB radio antenna, antenna for receiving television signals, antenna for receiving radio signals, and all other personal broadcasting equipment shall meet the following requirements:
 - a. **Height:** No amateur radio tower shall exceed 75 feet in height from ground level. No television or radio antenna shall exceed 35 feet in height from ground level or 5 feet in height above the highest point of the roof of the primary structure, whichever is greater. Antenna shall be permitted to exceed these height requirements if a determination is made by the Board of Zoning Appeals, through the development standards variance process, that the increased

6.1 Accessory Use/Structure Req. (cont.)

General Accessory Use/Structure Requirements



tower height is technically necessary to successfully engage in amateur radio communications.

- b. *Electrical Interference:* No amateur radio tower or equipment shall be permitted that results in interference with other electrical transmissions or devices.

G. **Park & Recreation Facility Accessory Uses & Structures:**

Where park and recreation facilities are permitted, customary accessory uses & structures such as restrooms, groceries, refreshment stands, restaurants, laundries, and sporting goods sales are also permitted, subject to the following standards:

1. Area: The maximum cumulative area occupied by accessory uses and structures, including any associated parking shall not exceed 10% of the park and recreation site;
2. Subordinate Role: The accessory uses and structures shall be subordinate to the recreational character of the development;
3. Design Focus: The accessory uses and structures shall be located, designed and intended to serve only the needs of the park and recreation facility;
4. Visibility: The accessory uses and structures shall present no visible evidence of their business nature to areas outside the park or recreation park facility; and
5. Parking: Parking for accessory uses and structures shall be consistent with the Parking Requirements of Article 7.

H. **Multi-family Dwelling / Manufactured Home Park / RV Park**

Accessory Uses & Structures: Where multi-family dwellings, manufactured home parks, or RV parks are permitted, customary incidental uses and accessory structures such as management offices, sales offices, storage facilities, day-care centers, self-service laundries, fitness centers, community centers, and recreation centers, shall also be permitted, subject to the following standards:

1. Area: The maximum cumulative area occupied by accessory uses and structures, including any associated parking shall not exceed 10% of the site;
2. Subordinate Role: The accessory uses and structures shall be subordinate to the recreational character of the development;
3. Design Focus: The accessory uses and structures shall be located, designed and intended to serve only the needs of the development;
4. Visibility: The accessory uses and structures shall present no visible evidence of their business nature to areas outside the multi-family or manufactured home park facility;
5. Parking: Parking for accessory uses and structures shall be consistent with the Parking Requirements of Article 7; and
6. Manufactured Home Park Model Homes: All model homes shall conform to the requirements of Section 6.2(F).



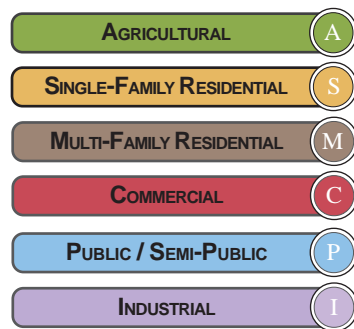
Intent:

The purpose of these temporary use & structure requirements is to establish minimum requirements for the temporary use of property and the placement of temporary structures in order to (1) accommodate the temporary needs of properties and land uses, (2) ensure that temporary uses do not become permanent without proper scrutiny, and (3) protect the public welfare from the unique hazards that can be created by temporary uses and structures.

6.2 Temporary Use/Structure Requirements

General Temporary Use/Structure Requirements

These General Temporary Use/Structure Requirements apply to all zoning districts:



A. General Temporary Use and Structure Requirements: All temporary uses and structures, both separately and in combination, shall conform to the following requirements:

1. **Removal:** All temporary uses and/or structures must be removed and the site reverted to its original condition within the time limits specified by this Chapter.
2. **Access and Parking:** No vehicle parking associated with the temporary use and/or structure shall occur in a public right-of-way and all vehicle access points shall meet any requirements of the city or county engineer having jurisdiction over the site.
3. **Signs & Lighting:** All signs and lighting shall comply with the requirements of this Ordinance for the zoning district in which the temporary use and/or structure is located unless otherwise specified by this Chapter.
4. **Permit Requirements:** All temporary uses and/or structures shall be required to obtain a permit unless otherwise specified by this Chapter. No temporary use or structure, or the related signs, lighting, parking, etc. shall be constructed or placed upon a site prior to all necessary permits being obtained.

B. Temporary Structures for Permanent Uses: All temporary structures installed as accessories to the permanent use on the property shall conform to the following requirements:

1. **Applicable Development Requirements:** Temporary structures must meet all development requirements (height, setbacks, parking, etc.) for a permanent structure unless otherwise specified in this Chapter.
2. **Temporary Structure Time Limits:** Any temporary structure used in conjunction with an existing permanent use may be permitted for up to 2 years, unless otherwise specified by this Chapter.

***Example:** Temporary structures installed as accessories to permanent uses would include temporary classrooms at a school, a temporary storage building at an industrial site, and other similar situations.*

6.2 Temporary Use/Structure Req. (cont.)

General Temporary Use/Structure Requirements



C. **Temporary Uses and/or Structures in Combination:** Temporary uses and/or structures established in combination or separately, independently of any permanent use, are permitted in any zoning district provided that the use is a permitted use in that zoning district. All temporary uses and structures shall conform to the following requirements:

1. **Site Improvement Requirements:** Temporary uses and structures shall be permitted on each lot for up to 45 days in any calendar year. The lot shall not be required to meet the development requirements for the zoning district in which it is located, but shall comply with the general requirements of Section 6.2(A).
2. **Time Limits:** Temporary uses and/or structures that seek extensions of the initial time limit established by Section 6.2(C)(1) above shall be subject to the approval of the Board of Zoning Appeals as a development requirements variance.
 - a. **Extensions:** The Board may specify a time limit for the temporary use and/or structure.
 - b. **Site Improvements:** The Board may specify any site improvements (parking, landscaping, etc.) that are required in conjunction with the temporary use and/or structure.

Example: The seasonal sale of Christmas Trees, Fire-works, etc. is permitted for up to 45 days in zoning districts where similar retail sales are permitted, permanent uses.

D. **Temporary Construction Facilities:** Construction trailers, dumpsters, materials storage, non-commercial batching plants, and other construction-related facilities are permitted as temporary structures and uses on any lot during construction activity on that lot. Temporary construction facilities may also be located on any lot within 300 feet of the corresponding construction site. No construction related facilities shall be located in any required setback or buffer yard. All such facilities shall be removed when construction is complete or otherwise substantially ceases for a period of 60 or more consecutive days. No permit shall be required.

E. **Garage/Yard Sales:** Garage/yard sales are permitted to occur 2 times per calendar year, for no more than 3 consecutive days for each occurrence. Garage/yard sales shall be distinguished from flea markets in that garage/yards sales are clearly incidental to the residential use of the property, while flea markets are commercial businesses. No permit shall be required.

F. **Temporary Home Sales Facilities:** Temporary model homes shall be permitted in each residential development until either (1) building permits have been obtained for greater than 90% of the lots included in the preliminary plat for the development or (2) 5 years from the date of approval of the final plat for the most recent section of the development, whichever is less. Temporary sales trailers shall be permitted in each residential subdivision for a maximum of 6 months, measured from the date on which the permit is obtained for the initial



6.2 Temporary Use/Structure Req. (cont.)

General Temporary Use/Structure Requirements

sales trailer for any lots included in a Preliminary Plat. An Improvement Location Permit shall be required.

1. Location: Temporary home sales facilities shall be located on the nearest vacant lot to the entrance in the development in which the homes are for sale. No other structures shall be permitted on any lot occupied by a model home or temporary sales trailer.
2. Number of Facilities: Subdivisions which include less than 50 lots in the Preliminary Plat shall be limited to a maximum of 2 temporary home sales facilities. Subdivisions which include 50 or more lots in the Preliminary Plat shall be limited to a maximum of 3 temporary home sales facilities.
3. Design Requirements: The placement of temporary home sales facilities shall be consistent with the following requirements:
 - a. *Uses*: The use of the facility shall be limited to open house purposes for prospective buyers. Temporary home sales facilities may not be directly used for the purpose of selling homes in other developments or in other communities.
 - b. *Signs*: Signs shall be limited to one ground sign not to exceed 4 feet in height and 12 square feet in area. The sign shall be a minimum of 5 feet from the right-of-way, 5 feet from adjacent property lines, and located in a manner consistent with the intersection Sight Visibility Requirements of Section 7.3(Part 1) (D)(5). The sign shall front on a street that is interior to the subdivision.
 - c. *Lighting*: All exterior lighting shall be limited to typical household exterior lighting. The use of all other types of lighting, including floodlighting and search lights shall be prohibited.
 - d. *Parking*: Temporary home sales facilities shall conform with the following parking requirements:
 - i. Model homes shall provide a minimum of 2 off-street parking spaces for the use of salespersons and potential buyers. The parking spaces shall conform to the size requirements of this Ordinance. Off-street parking for the facility shall be located in, and not extend beyond, the driveway. The driveway area shall be consistent in size and paving with those of the homes to be constructed in the development.
 - ii. Temporary sales trailers shall provide 2 off-street parking spaces. The spaces shall be surfaced with stone or paved.
 - e. *Landscaping*: Temporary home sales facilities shall conform with the following landscaping requirements:
 - i. Model homes shall provide landscaping consistent with that which the developer and/or builder provides for homes to be constructed in the subdivision.

6.2 Temporary Use/Structure Req. (cont.)

General Temporary Use/Structure Requirements

- ii. Temporary sales trailers shall provide a landscape area extending from the trailer for 5 feet in each direction. The landscaping shall include a variety of shrubs and other materials consistent with the landscaping design of the development. The trailer site shall be graded to ensure proper drainage and treated with a combination of grass seed and sod appropriate to prevent erosion and provide a lawn consistent with that of the homes to be built in the development.
3. Model Home Conversion: Prior to the sale of a model home for use as a residence, all signs shall be removed and the garage area restored.
4. Sales Trailer Conversion: Any builder using a temporary home sales trailer and either constructing an approved model home, or removing the trailer, shall restore the trailer site to pre-installation conditions, removing the trailer and any associated signs and lighting. If the trailer is to be replaced by a model home, the trailer and all associated site features shall be removed prior to the issuance of a permanent certificate of occupancy for the model home.



Use Requirements

PUBLIC REVIEW DRAFT



Intent:

The purpose of these farm-related animal requirements is to provide minimum regulations for the keeping of farm-related animals in order to (1) minimize conflict between residential and agricultural uses, (2) protect existing farm operations in the community, and (3) provide general requirements for confined feeding operations.

6.3 Farm-Related Animal Requirements

General Farm-Related Animal Requirements

These General Farm Animal Requirements apply to all zoning districts:

AGRICULTURAL	A
SINGLE-FAMILY RESIDENTIAL	S
MULTI-FAMILY RESIDENTIAL	M
COMMERCIAL	C
PUBLIC / SEMI-PUBLIC	P
INDUSTRIAL	I

A. General Requirements: The keeping of farm-related animals shall be prohibited unless specifically permitted by this chapter. Nothing in this chapter shall be interpreted as prohibiting or regulating the keeping of household pets.

1. Exempt Properties (lots of 5 acres or greater): All properties that (a) are 5 acres or greater and (b) are located in any Agricultural zoning district shall be permitted an unlimited number of farm-related animals.
2. Limited Properties (lots of 1 to 5 acres): All properties that (a) are at least 1 acre, but less than 5 acres and (b) are located in any Agricultural zoning district shall be permitted a maximum of 2 farm-related animal units per acre (as defined by the Farm-Related Animal Units table below). The Planning Director may determine the classification of any animals not specifically listed. All farm-related animal stalls, coops, stables, or other places of boarding shall be setback a minimum of 25 feet from all property lines.
3. Restricted Properties (lots of less than 1 acre): All properties, regardless of lot size or zoning district, shall be permitted a maximum of 0.4 farm-related animal units (as defined by the Farm-Related Animal Units table). The Planning Director may determine the classification of any animals not specifically listed. All farm-related animal stalls, coops, stables, or other places of boarding shall comply with the required setbacks for accessory structures for the zoning district in which the property is located.

6.3 Farm-Related Animal Requirements (cont.)

General Farm-Related Animal Requirements



Farm-Related Animal Units (Table 6.3)

Animal Type	Units
Large Animals (horses, cattle, buffalo, donkeys)	1.5
Medium Animals (llamas, pigs, ostrich, alpacas, sheep, goats)	1
Small Animals (turkeys, geese)	0.5
Very Small Animals (chickens, rabbits, ducks)	0.1

Sample Calculations

3 horses = 4.5 animal units (3 x 1.5)
10 turkeys = 5 animal units (10 x 0.5)
5 rabbits = 0.5 animal units (5 x 0.1)

Limited Property Example: A 4 acre property located in a Agricultural zoning district would be permitted a total of 8 animal units (4 acres x 2 animal units per acre = 8 animal units).

- B. **CFO / CAFO Requirements:** Confined feeding operations (CFOs) and concentrated feeding operations (CAFOs) shall be located consistent with Article 3 of this Ordinance. All such operations shall meet any and all applicable requirements of the federal, state, and local government in addition to the following:
1. **Required Lot Size:** No farm (CFO / CAFO type II) shall be located on any lot of less than 5 acres.
 2. **Required Setbacks:** All structures used in association with a farm (CFO / CAFO type II) operation, including waste disposal facilities, shall be setback a minimum of 100 feet from all property lines.
 4. **Minimum Distance from Residential Zoning:** No farm (CFO / CAFO type II) operation, shall be located closer than 1/2 mile to any Single-family Residential or Multi-family Residential zoning district (measured at the nearest boundary line of the zoning district and the nearest property line of the CFO / CAFO operation).

Note: Consistent with Article 11 (Nonconformities) of this Ordinance, existing farm (CFO / CAFO type II) operations are not required to re-locate or alter their operations if nearby zoning or uses change.



Intent:

The purpose of these industrial requirements is to minimize the conflicts between industrial and other land uses and to protect persons and property from the possible by-products of industrial operations.

INDUSTRIAL

I

6.4 Industrial Requirements

General Industrial Requirements

These General Industrial Requirements apply to the Industrial zoning districts:

- A. **Interpretation:** The industrial requirements established by this Chapter provide general guidelines for use by the City of Columbus and Bartholomew County in discussing expectations with new and expanding industrial operations. They also provide references to applicable state and federal regulations. Where applicable the determination of conformance of industrial operations with the requirements of this Chapter shall be determined by the Plan Commission when consistent with the petition review processes established by this Ordinance. In no instance shall this Chapter be interpreted as requiring the Planning Director and/or applicable Plan Commission to maintain and verify approvals by other agencies or units of government.
- B. **Applicability:** All uses shall conform with any and all applicable requirements of the state and Federal governments (including the requirements of the Occupational Safety and Health Administration - OSHA). No use on a property shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance defined by and subject to applicable local ordinance(s). In cases where the requirements of this Ordinance are in conflict with other applicable requirements, the most restrictive shall apply.
- C. **General Requirements:** All uses placed into operation after the effective date of this Ordinance shall comply with the following general requirements in the interests of protecting public health, safety, and general welfare and lessening potential damage to property. No use in existence on the effective date of this Ordinance shall be altered or modified in a manner that conflicts with these requirements.

6.4 Industrial Requirements (cont.)

General Industrial Requirements



1. Smoke and Particulate Matter: No use on a property shall release fly ash, dust, smoke, or any other type of particulate matter that violates the air quality requirements established by the Indiana Department of Environmental Management.
2. Electrical Disturbance: No use on a property shall cause electrical disturbance adversely affecting the operation of radios, televisions or any other equipment in the vicinity. All applicable regulations of the Federal Aviation Administration shall apply to all operations that may adversely affect the navigation or control of aircraft.
3. Fire and Explosive Hazards: The storage, utilization, and/or manufacture of all flammable and/or explosive materials shall conform to the applicable requirements of the Indiana Department of Fire and Building Services and the prescribed requirements of the National Fire Protection Association. Fire fighting equipment and prevention measures shall be subject to the approval of the local fire department of jurisdiction.
4. Noise: No use on a property shall create a production or operational noise, or combination of noises, that violates any applicable local noise or nuisance ordinance.
5. Odor: No use on a property shall emit any objectionable odor, or combination of odors, that is detectable without the aid of instruments at the boundary line of any residential or commercial zoning district.
6. Vibration: No use on a property shall cause any objectionable vibrations or concussions that are detectable without the aid of instruments at the property lines of the lot on which the use is located.
7. Glare and Heat: No use on a property shall produce any glare or heat that is detectable without the aid of instruments at the property lines of the lot on which the use is located. All outdoor lighting shall be exempt from these Industrial Requirements, but shall comply with the Exterior Lighting Requirements of Chapter 9.4.
8. Noxious or Toxic Materials: No use on a property shall accumulate or discharge outside of any building materials generally known to be toxic or noxious. Such uses shall also comply with all applicable regulations of the Bartholomew County Board of Health, the Indiana State Board of Health, and the Indiana Department of Environmental Management.
9. Waste Materials: No use on a property shall accumulate on the lot, or discharge beyond the lot lines any waste matter in violation of the applicable requirements and regulations of the Bartholomew County Board of Health, the Indiana State Board of Health, and the Indiana Department of Environmental Management.



6.4 Industrial Requirements (cont.)

General Industrial Requirements

10. Water Pollutants: No use on a property shall discharge any material, whether liquid or solid, into public waters without any required approvals of the Bartholomew County Board of Health, Indiana State Board of Health, Indiana Department of Environmental Management, Indiana Department of Natural Resources, and/or the Indiana Stream Pollution Control Board.
- B. **Exemptions**: The industrial requirements provided by this Chapter shall be subject to the following exemptions:
1. Farming Operations: Any applicable "Right to Farm" laws may supercede these requirements as they pertain to farming and agricultural uses.
 2. General Exemptions: The following uses, activities, and circumstances shall be exempt from the requirements established by this Chapter:
 - a. *Construction & Maintenance*: Site preparation or the construction, maintenance, repair, alteration, or improvement of structures, equipment or other improvements on or within the lot lines of the subject property;
 - b. *Motor Vehicles*: The operation of motor vehicles for the transportation of personnel, material, or products; and
 - c. *Public Safety Alerts*: Public safety sirens and related apparatus used solely for public purposes and/or necessary for the protection of life, limb, or property.

PUBLIC REVIEW DRAFT

Intent:

The purpose of these residential requirements is to provide minimum requirements for residential facilities. This Chapter establishes requirements for residential facilities for the developmentally disabled and mentally ill that both minimize conflicts with other uses and permit the establishment of such facilities consistent with IC 12-28-4-7.

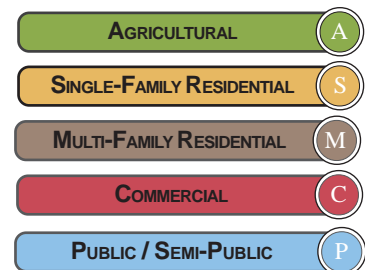


6.5 Residential Group Home Requirements

Residential Group Home Requirements

These Residential Group Home Requirements apply to the Agricultural, Single-Family Residential, Multi-Family Residential, Commercial, and Public / Semi-Public zoning districts:

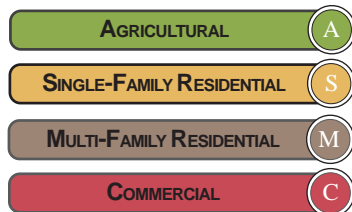
- A. Residential Facilities for the Mentally Ill:** Residential facilities for the mentally ill shall be required to comply with all licensing and operational requirements of the State of Indiana.
1. Exclusion Prohibited: In no instances shall a residential facility for the mentally ill be prohibited from locating, expanding, or operating in a residential area solely because the facility is a business or because the individuals residing in the facility are not related.
 2. Separation: In no case may a residential facility for the mentally ill be located within 3,000 feet of any other residential facility for the mentally ill, as measured between the property lines of the lots or parcels on which the uses are (or are proposed to be) located.
- B. Residential Facilities for the Developmentally Disabled:** Residential facilities for the developmentally disabled shall be permitted consistent with IC 12-28-4-7.





Intent:

The purpose of these home occupation requirements is to establish minimum requirements for home-based businesses in order to protect the residential character of local neighborhoods, preserve property values, and prevent the hazards to persons and property that can result from residential-commercial land use conflicts.



Activities Example: *The permitted activities are intended to permit home-based representatives of cosmetics, toy, home interior, and other similar companies by which products are sold through events at customer residences or businesses. It is recognized by this Ordinance that the occasional sale of limited items may be necessary at the location of the home-based business.*

6.6 Home-Based Business Requirements

Urban Area / Small Lot Home-Based Business Requirements

Part 1: These Urban Area / Small Lot Home-Based Business Requirements apply to the Agricultural, Single-Family Residential, Multi-Family Residential, and Commercial zoning districts:

- A. **Application:** These home-based business requirements shall apply to (1) all lots that are less than 5 acres in area and (2) all lots that are greater than 5 acres in area and are not located in a Agricultural zoning district.
- B. **Permitted & Conditional Use Home-Based Businesses:** A home-based business meeting the requirements listed below shall be considered a permitted accessory use to any dwelling unit. Any accessory use meeting the definition of a home-based business but exceeding the requirements listed below may be allowed by the Board of Zoning Appeals as a conditional use.
 1. **Activities:** The on-site wholesale/retail sale of stocked inventories is not permitted, except for incidental sales. Mail-order/telephone/internet sales, as well as the off-site distribution of sold merchandise is permitted. The home-based business shall not involve any manufacturing activities or personal services.
 2. **Effects of Operation:** There shall be no equipment or process used in the home-based business that creates noise, vibration, glare, smoke, fumes, odors, or electrical interference that is detectable, without the aid of instruments, at the property line (as determined by the Planning Director). There shall be no electrical or mechanical equipment utilized in the home-based business that will create any visual or audible interference with radio or television reception.
 3. **Employees:** The home-based business may not involve the on-site employment of any persons, or regular (on a weekly basis) on-site gathering of any employees, other than those residing at the location of the home occupation.

6.6 Home-Based Business Req. (cont.)

Urban Area / Small Lot Home-Based Business Requirements



4. Structural Alterations: The home-based business must not require any structural or aesthetic alterations to the dwelling that change its residential character as described below:
 - a. *Appearance:* Neither the dwelling nor any accessory structure shall be altered in its appearance, and the home occupation shall not be conducted in such a manner as to differentiate the dwelling from the residential character of the area by the use of colors, materials, construction, or lighting.
 - b. *Entrances:* The home-based business shall not require the construction of any additional entrances to any dwelling or accessory structure.
 - c. *Utility Service:* The home-based business shall not require increasing or enhancing the size, capacity, or flow of the water, gas, waste treatment, or electrical systems beyond what is standard for a residence.
5. Parking & Business Vehicles: The home-based business shall not involve regular (on a weekly basis) on-site customers, employees, meetings, or other events that necessitate the installation of any off-street parking spaces in addition to those required by this Ordinance for the dwelling unit. The on-site storage of business vehicles shall meet the requirements of Article 7.
6. Deliveries: The home-based business must not require the regular use (on a weekly basis) of commercial vehicles for pickup and deliveries, other than those from the U.S. Postal Service or other small package carriers.
7. Signs: No signs of any type shall be used, other than those permitted in the zoning district by the Article 10, Signs.
8. Outdoor Storage/Display: There shall be no exterior storage of products, equipment, employee vehicles, or materials that are related to the home-based business.
9. Business Area: The home-based business shall be located within the dwelling but shall not exceed a total area equal to 500 square feet or 20% of the total floor area of the dwelling, whichever is less. No accessory structure shall be constructed or used for the purpose of housing the home-based business.



6.6 Home-Based Business Req. (cont.)

Agricultural Area Home-Based Business Requirements

Part 2: These Agricultural Area Home-Based Business Requirements apply to the Agricultural zoning districts:

- A. **Application:** These home-based business requirements shall apply to all lots which (1) are located in any Agricultural zoning district and (2) are 5 acres or greater in area.
- B. **Permitted & Conditional Use Home-Based Businesses:** A home-based business meeting the requirements listed below shall be considered a permitted accessory use to any dwelling unit. Any accessory use meeting the definition of a home-based business but exceeding the requirements listed below may be allowed by the Board of Zoning Appeals as a conditional use.
 1. **Activities:** The on-site wholesale/retail sale of stocked inventories, assembled products, and constructed products is permitted. Mail-order/telephone/internet sales, as well as the distribution of machined, assembled, and constructed merchandise is also permitted. The home-based business shall not involve any personal services.
 2. **Effects of Operation:** There shall be no equipment or process used in the home-based business that creates noise, vibration, glare, smoke, fumes, odors, or electrical interference that is detectable, without the aid of instruments, at the property line (as determined by the Planning Director). There shall be no electrical or mechanical equipment utilized in the home-based business that will create any visual or audible interference with radio or television reception.
 3. **Employees:** The home-based business may not involve the on-site employment of any persons, or regular (on a weekly basis) on-site gathering of any employees, other than those residing at the location of the home occupation.
 4. **Structural Alterations:** The home-based business must not require any structural or aesthetic alterations to the dwelling that change its residential character as described below:
 - a. **Appearance:** Neither the dwelling nor any accessory structure shall be altered in its appearance, and the home occupation shall not be conducted in such a manner as to differentiate the dwelling from the residential character of the area by the use of colors, materials, construction, or lighting.
 - b. **Entrances:** The home-based business shall not require the construction of any additional entrances to any dwelling or accessory structure.
 - c. **Utility Service:** The home-based business shall not require increasing or enhancing the size, capacity, or flow of the water, gas, waste treatment, or electrical systems beyond what is standard for a residence.

6.6 Home-Based Business Req. (cont.)

Agricultural Area Home-Based Business Requirements



Use Requirements

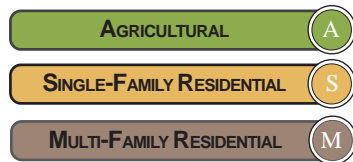
5. Parking & Business Vehicles: The home-based business shall not involve regular (on a weekly basis) on-site customers, employees, meetings, or other events that necessitate the installation of any off-street parking spaces in addition to those required by this Ordinance for the dwelling unit. The on-site storage of business vehicles shall meet the requirements of Article 7.
6. Deliveries: The home-based business must not require the regular use (on a weekly basis) of commercial vehicles for pickup and deliveries, other than those from the U.S. Postal Service or other small package carriers.
7. Signs: No signs of any type shall be used, other than those permitted in the zoning district by the Article 10, Signs.
8. Outdoor Storage/Display: There shall be no exterior storage of equipment, employee vehicles, or materials that are related to the home-based business. The outdoor storage and display of items for sale shall be permitted, but shall not occupy an area larger than 200 square feet.
9. Business Area: The home-based business shall be located within the dwelling and/or an accessory building, but shall not exceed a total area equal to 500 square feet or 20% of the total floor area of the dwelling, whichever is less. No specialized accessory structure shall be constructed for the purpose of housing the home-based business.

PUBLIC REVIEW DRAFT



Intent:

The purpose of these mobile / manufactured home requirements is to identify the minimum requirements for the installation and use of mobile and manufactured homes consistent with the requirements of IC 36-7-4-1106 and the intent of this Ordinance.



6.7 Mobile/Manufactured Home Req.

General Mobile/Manufactured Home Requirements

Part 1: These General Mobile/Manufactured Home Requirements apply to the Agricultural, Single-Family Residential and Multi-Family Residential zoning districts:

- A. **Schedule of Mobile/Manufactured Home Use:** Mobile and manufactured homes shall be permitted as described by the Permitted Mobile/Manufactured Homes table, consistent with Article 3 of this Ordinance.
- B. **Placement Requirements:** The establishment, location, and use of all mobile and manufactured homes shall meet the installation instructions of the manufacturer; all requirements for single family dwellings in the zoning district in which they are located including, but not limited to, setbacks, lot sizes and dimensions, parking requirements; minimum living area (per IC 26-7-4-1106(b)); and the following requirements:
 1. **Type I Manufactured Homes:** Type I manufactured homes shall:
 - a. **Living Area:** Have, in a double section or larger multi-section unit, living area no less than the minimum required for the district in which it is to be located,
 - b. **Foundation:** Be placed on a permanent underfloor foundation and an exterior perimeter retaining wall that are consistent with those for, or planned for, other homes in the area, the manufacturer's installation instructions, and all applicable provisions of the local Building Code.
 - c. **Anchoring:** Be anchored to the ground in accordance with the manufactured home's installation requirements and the local Building Code;
 - d. **Travel Equipment:** Have wheels, axles, and hitch mechanisms removed;
 - e. **Utilities:** Meet utility connection requirements in accordance with the manufactured home's installation requirements and the local Building Code,

6.7 Mobile/Manufactured Home Req. (cont.)

General Mobile/Manufactured Home Requirements

- f. *Siding Material:* Have siding material of a type similar to, or otherwise compatible, with that found on other dwellings in, or planned for, the area.
- g. *Roofing Material:* Have roofing material and pitch of a type similar to, or otherwise compatible, with that found on other dwellings in, or planned for, the area.
- 2. Type II Manufactured Homes & Mobile Homes: Type II manufactured homes and mobile homes shall:
 - a. *Living Area:* Have more than 720 square feet of living area in a single, double or multi-section unit (including those with pullout or tag-along units).
 - b. *Foundation:* be placed on a permanent underfloor foundation with exterior foundation siding consistent with the manufacturer's installation instructions, and all applicable provisions of the local Building Code,
 - c. *Anchoring:* Be anchored to the ground in accordance with the manufacturer's installation requirements and the local Building Code,
 - d. *Travel Equipment:* Have wheels, axles, and hitch mechanisms removed; and
 - e. *Utilities:* Meet utility connection requirements in accordance with the manufactured home's installation requirements and the local Building Code.

**Permitted Mobile/
Manufactured Homes** (Table 6.4)

Zoning District (P - Permitted, C - Conditional)	Mobile Home	Manufactured Home	
		Type II	Type I
AV			P
AP			P
AG			P
RR			P
RS1			P
RS2			P
RS3			P
RS4			P
RE			P
RT			P
RM			P
RMH	P	P	P





6.7 Mobile/Manufactured Home Req. (cont.)

General Mobile/Manufactured Home Requirements

Part 2: These Temporary Mobile / Manufactured Home Type II Use Requirements apply to any Agricultural zoning districts:

The temporary use of a type II manufactured home or a mobile home shall be permitted in any Agricultural zoning district under either of the following circumstances:

- A. **Temporary Residence During Home Construction:** A type II manufactured home or mobile home may be used as a temporary residence on a lot for which a permit to construct or renovate a single-family dwelling has also been obtained.
 1. Permit Required: An improvement location permit for a temporary structure shall be required.
 2. Expiration: The temporary residence shall be removed either (a) at the time occupancy is approved for the permanent residence or (b) 2 years from the date the permit for the temporary structure was issued, whichever occurs sooner.
 3. Location & Access: The temporary residence shall conform to the setback requirements for the district in which it is located, shall not be located in any front yard, and shall be accessed by the same driveway as the permanent residence.
 4. Removal Plan: At the time application is made for the permit for the temporary residence the applicant shall provide a detailed plan for the future removal of the type II manufactured home or mobile home. The removal plan shall include the intended location of disposal or relocation, and an estimated cost.
- B. **Temporary Care-Giver / Dependent Relative Residence:** A type II manufactured home or mobile home may be used as a temporary residence for either an individual providing care to a dependent relative or a dependent relative in need of continuous, on-site care.
 1. Conditional Use Approval Required: Conditional Use approval for the temporary residence by the Board of Zoning Appeals shall be required.
 2. Expiration: The Conditional Use approval shall expire, and the temporary residence shall be removed at the time the dependent relative no longer requires continuous, on-site care.
 3. Annual Certification: The property owner shall be required to annually provide the Planning Director with documentation stating (a) the name and medical status of the individual requiring care (as certified by a physician) and (b) the name of the care-giver.
 4. Location & Access: The temporary residence shall be located on the same lot as the permanent residence of the other individual involved in the dependent / care-giver relationship. The temporary residence shall conform to the setback requirements for the district in which it is located, shall not be located in any

6.7 Mobile/Manufactured Home Req. (cont.)

General Mobile/Manufactured Home Requirements

front yard, and shall be accessed by the same driveway as the permanent residence.

4. **Removal Plan:** At the time application is made for Conditional Use approval of the temporary residence the applicant shall provide a detailed plan for the future removal of the type II manufactured home or mobile home. The removal plan shall include the intended location of disposal or relocation, and an estimated cost.

Part 3: These Mobile/Manufactured Home Park Requirements apply to the Residential: Manufactured Home Park zoning district:

All mobile/manufactured home parks shall comply with the following requirements:

- A. **Storage Space:** Each home shall be provided with an enclosed, waterproof storage space either as an accessory structure on each home site, behind the skirting, or at a central storage facility.
- B. **Emergency Shelter:** Each development, or manufactured home park, shall be equipped with a structure of adequate construction to provide shelter for residents from tornados and other severe weather events. The shelter shall be of sufficient size to accommodate a population equal to 2.5 persons per home site present in the development.
- C. **Entrances and Interior Roads:** All interior mobile home development streets shall either be dedicated to the public or be private interior drives. All interior streets, whether dedicated to the public or private drives shall meet the design and construction requirements for public streets, including intersections, sidewalks, etc. provided by the Subdivision Control Ordinance. If private streets are used, street easements shall be substituted for the interior street right-of-way.
- D. **Compliance Verification:** Prior to the release of an Improvement Location Permit for construction of the park, the following shall be provided to the Planning Director:
 1. **Access:** A letter from the appropriate City or County Engineer of jurisdiction, verifying the approval of the design of access points to public streets.
 2. **Sanitary Sewer Service:** A letter from the appropriate sewer utility, verifying that adequate sanitary sewer service shall be available to the homes.
 3. **Board of Health:** A letter from the Indiana State Board of Health, verifying that all applicable requirements have been met.



Use Requirements

MULTI-FAMILY RESIDENTIAL

M



Intent:

The purpose of these telecommunication facility standards is to provide for adequate, reliable public and private telecommunications service while maximizing the use of transmission towers and tower sites. These requirements also seek to minimize the adverse, undesirable visual impact of towers through minimizing needed towers and tower sites, careful design and siting, and screening.

6.8 Telecommunications Facility Req.

General Telecommunications Facility Requirements

These General Telecommunications Facility Requirements apply to all zoning districts:

A. Required Approvals: The placement of telecommunications facilities shall meet the following approval requirements:

1. **Installation of New Antenna:** The installation of new antenna(s) on existing towers, including legal non-conforming towers, and existing alternative structures (such as water towers, buildings, or church steeples) may be approved by the Planning Director subject to Section 6.8(C). Any new antenna that will add either 10% or 25 feet, whichever is less, above the highest point of any existing tower or alternative structure shall be subject to the provisions of this Chapter for the installation of new towers as described by Section 6.8(A)(2) below.
2. **Installation of a New Tower:** The installation of any new tower(s) shall be reviewed either by the Planning Director in the case of a permitted use or by the Board of Zoning Appeals as a conditional use consistent with the Telecommunications Facilities Table.

Telecommunications Facilities Table (Table 6.5)

Facility Type (P - Permitted, C - Conditional)	Zoning District																		
	AV	AP	AG	RR	RS1	RS2	RS3	RS4	RE	RT	RM	RMH	CD	CN	CO	CC	CR	P	I1
Installation of New Antenna																			
Existing Tower Location	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Alternative Structure Location	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Construction of New Tower																			
Traditional Tower Design	P	P												C	P	P	P	P	P
Stealth Tower Design	C	C											C	C	C	C	C	C	C

6.8 Telecomm. Facility Req. (cont.)

General Telecommunications Facility Requirements



3. Installation of New Accessory Structures: The installation of new accessory structure(s), such as equipment buildings, to support the installation of additional antennas on existing towers or alternative structures may be approved by the Planning Director.
- B. **Removal:** Any tower unused or left abandoned for 12 consecutive months shall be removed by the property owner at his/her expense. Regardless of the tower ownership, the property owner shall be responsible for removal. Upon the request of the Planning Director, the operator of any facility to which this Chapter applies shall provide documentation of the use of that facility for the purpose of verifying any abandonment.
- C. **Interference with Public Safety Facilities:** No new telecommunications facility shall result in any interference with public safety telecommunications.
- D. **Required Documentation for all Facilities:** In addition to the requirements provided in Article 12 for the receipt of conditional use approval and/or an Improvement Location Permit, applications for new towers, new antenna, and new related facilities shall include the following. Where an alternative structure is used, the comparable information for that structure shall be provided.
 1. Engineer's Report: A report from a professional engineer licensed in the State of Indiana that:
 - a. Describes the height and design of any new tower and/or antenna including a cross-section, latitude, longitude, and elevation;
 - b. Describes or updates (in the case of new antenna) the tower's capacity, including the type and number of antenna it can accommodate;
 - c. Certifies compliance of the construction specifications with all applicable building codes (including but not limited to, the foundation for the tower, anchors for the guy wires if used, co-location, and strength requirements for natural forces; ice, wind, earth movements, etc.);
 - d. Certifies that the facility will not interfere with established public safety telecommunication facilities; and
 - e. Includes an engineer's stamp and registration number.
 2. Letter of Intent: A letter of intent committing the tower owner, property owner, antenna owners, and their successors to allow the shared use of the tower.
 3. Proof of Compliance: Copies of any required approvals from the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) and Indiana Department of Natural Resources (IDNR) and all other appropriate state and federal agencies.



6.8 Telecomm. Facility Req. (cont.)

General Telecommunications Facility Requirements

4. Removal Affidavit: A letter committing all parties, including the property owner and his/her successors, to remove the tower and all related accessory structures, fences, landscaping, and equipment if the tower is abandoned (unused for a period of 12 consecutive months). The removal affidavit shall be recorded in the Bartholomew County Recorder's Office, with a copy of the recorded affidavit provided to the Planning Director.
- E. **Determination of New Tower Need**: Any proposal for a new telecommunications tower shall only be approved if the applicant submits verification from a professional engineer licensed in the State of Indiana that the antenna(s) planned for the proposed tower cannot be accommodated on any existing or approved towers or other structures within a 2 mile radius of the proposed tower location due to one or more of the following reasons:
1. Inadequate Structural Capacity: The antenna(s) would exceed the structural capacity of the existing or approved tower or other structure.
 2. Interference: The antennas would cause interference impacting the usability of other existing or planned equipment at the tower site.
 3. Inadequate Height: The existing or approved towers or structures within the search radius cannot accommodate the planned equipment at the height necessary.
 4. Land Availability: Additional land area is not available (when necessary).
- F. **Design Requirements for new Towers and Related Facilities**: All telecommunications facilities shall meet the following design requirements:
1. Lighting: Tower lighting shall only be as required for safety or security reasons or as required by the FAA or other federal or state authority. All ground level security lighting shall be oriented inward so as not to project onto surrounding properties, and shall have 90 degree cut-off luminaries (shielded downlighting).
 2. Co-location: All telecommunication towers shall be designed, and engineered structurally, electrically and in all other respects to accommodate both the applicant's equipment and at least one additional user for every 50 feet in total tower height in excess of 75 feet.
 - a. Each additional user shall be assumed to have an antenna loading equal to that of the initial user.
 - b. Towers must be designed to allow for rearrangement of antennas and to accept antennas mounted at varying heights.
 3. Height: All towers and antenna shall conform with all FAA tall structure requirements. The maximum height of all accessory structures shall be 15 feet.

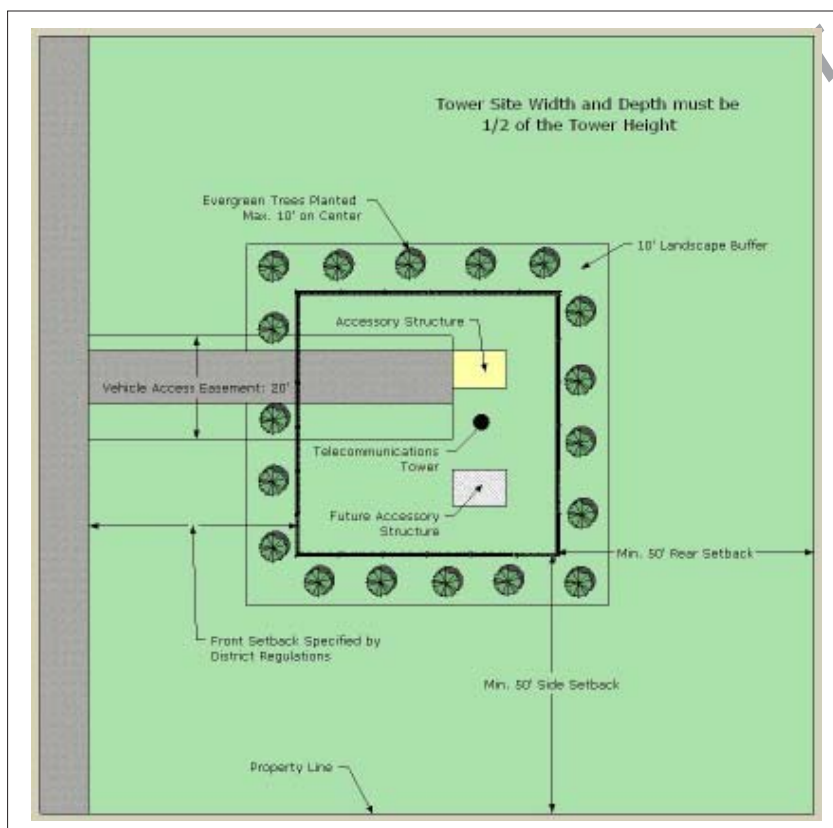
6.8 Telecomm. Facility Req. (cont.)

General Telecommunications Facility Requirements

4. Signs: Signs for all telecommunications facilities shall be permitted up to a total of 4 square feet per user.

G. Site Requirements for new Towers and Related Facilities: All telecommunications facilities shall meet the following site requirements:

1. Vehicular Access: Vehicle access drives may be gravel or paved and shall be located within an access easement that is a minimum of 20 feet in width. Any portion of the entrance located in a public right-of-way shall meet the applicable public street or road design, construction, and pavement requirements.
2. Site Area: The lot (or lease area) where the tower is located shall be large enough to accommodate all future anticipated accessory structures needed by future antenna users. The size of the site shall also be of sufficient area to allow the location of one additional tower and associated support facilities.
 - a. The arrangement of the initial tower and the topography of the site shall be considered in determining the sufficiency of the site area.
 - b. At a minimum, the width and depth of the tower site shall be a distance equal to $1/2$ the tower height.



Site Design Requirements Example
(Figure 6.1)





6.8 Telecomm. Facility Req. (cont.)

General Telecommunications Facility Requirements

- c. Except for where located in any Agricultural zoning district, all tower supporting and stabilizing wires shall be located within the site area.
3. Setback: The required setbacks for the tower and related facilities shall be as follows:
 - a. *Side and Rear Setback*: The minimum side and rear setback for all facilities shall be 50 feet from all property lines.
 - b. *Front Setback*: The minimum front setback for all facilities shall be as specified by this Ordinance for the zoning district in which it is located. No part of a wireless telecommunications facility, including the security fence, and any required guide wires or bracing shall be permitted in any required front setback.
 - c. *Additional Setback from Residential Zoning Districts*: No facility shall be placed closer than 250 feet to any property included in any residential zoning district.
 - d. *Additional Landscaping*: Landscape screening in addition to the requirements of this Chapter may be provided in the setback area.
4. Encroachment: No part of any telecommunications facility nor associated lines, cables, equipment, wires or braces shall at any time extend across or over any part of a public right-of-way, sidewalk, or property line.
5. Fencing: An 8 foot high security fence shall completely surround the tower and accessory equipment building site.
 - a. An area 10 feet in width shall remain outside of the fence for the purpose of providing the landscape screening described in Section 6.8(G)(6) below.
 - b. In the Commercial and Public / Semi-Public zoning districts the required security fence enclosing the facility shall be 100% opaque and of wood, brick, or stone construction. Opaque, 8 foot tall gates shall be provided for access. In no instance shall the use of chain link gates with screening inserts be considered as opaque.
6. Landscape Screening: Evergreen buffer plantings shall be located and maintained around the outermost perimeter of the security fence of all telecommunications facilities, excluding those facilities located in an Agricultural zoning district.
 - a. Evergreen plants shall conform to the minimum requirements for Large or Medium Evergreen Trees and Evergreen Shrubs in the Landscaping Points Requirements Table in Chapter 8.1.
 - b. If evergreen hedges are used they shall be planted a maximum of 5 feet apart on center.
 - c. If evergreen trees are used they shall be planted a maximum of 10 feet apart on center.

Intent:

The purpose of this Chapter is to provide for establishments engaged in mining, excavating, processing and storage of gravel, sand, borrow, and other mineral or earthen resources. The extraction of minerals is essential to the continued economic well-being of the City and the County, and the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.

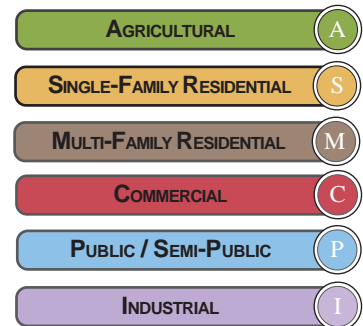


6.9 Mineral Extraction Requirements

General Mineral Extraction Requirements

These General Mineral Extraction Requirements apply to all zoning districts.

- A. **Mineral Extraction in Non-Urban Areas:** The mining and extraction of minerals shall be a permitted use on any property outside of "urban areas" as defined by Indiana Code (IC 36-7-4-1103) and as designated in this Chapter. For the purposes of this Chapter, "urban areas" shall include:
1. All lands or lots within the limits of the City of Columbus or any other municipality;
 2. Any other lands or lots used for residential purposes where there are 8 or more residences within any quarter-mile square area; and
 3. Other lands and lots as have been developed or are planned for residential areas contiguous to incorporated cities or towns. See the Comprehensive Plan of the City of Columbus or Bartholomew County, as applicable.
- B. **Mineral Extraction in Urban Areas:** The mining and extraction of minerals within urban areas shall be a conditional use in the Agricultural and Industrial Districts and shall be prohibited in all other zoning districts.
- C. **Exceptions:** The following activities shall be exempt from the requirements of this Chapter:
1. When the earth removal is incidental to an activity for which an Improvement Location Permit has been issued;
 2. When the earth removal involves only any normal landscaping, driveway installation and repairs, or other minor projects;
 3. When the earth removal involves less than 1,000 cubic yards;
 4. When the earth removal is for construction of a swimming pool.



"(The Indiana Code) does not authorize an ordinance or action of a plan commission that would prevent, outside of urban areas, the complete use and alienation of any mineral resources or forests by the owner or alienee of them."

Indiana Code 36-7-4-1103

See Also:

*Chapter 12.4,
Conditional Uses*



6.9 Mineral Extraction Requirements (cont.)

General Mineral Extraction Requirements

- D. **Accessory Uses:** The site may be used for accessory uses, except for the disposal of refuse and similar uses, including:
1. Parking and loading areas;
 2. Offices, guard houses and similar employee facilities;
 3. Storage buildings for the mineral extraction operation only;
 4. Concrete batch processing plants;
 5. Stone and mineral processing and classifying; and
 6. Other accessory uses clearly incidental and ancillary to the mineral extraction operation.
- E. **Site and Location Requirements:** All mineral extraction operations shall comply with the following site and location requirements:
1. Minimum Area: A minimum lot area of 10 acres shall be required for mineral extraction operations.
 2. Excavation Limits: No excavation shall be made closer than 100 feet from the right-of-way line of any existing or platted street, road or highway; except, that mining of sand, gravel, borrow and other mineral and earthen materials may be conducted within these limits in order to reduce the elevation of the excavation area to conform to the existing elevation of the adjoining and existing or platted street, road or highway.
 3. Equipment Setback: All fixed equipment, machinery and processing operations shall be located at least 200 feet from any lot line.
 4. Entrance and Exit Roads: There shall be a paved surface for all on-site entrance and exit roads for at least 300 feet from the edge of the public right-of-way into the site for the purpose of minimizing the deposit of dirt and gravel onto any public street, road, or highway.
 5. Sight Barriers: Sight barriers shall be provided along the exterior perimeter bordering on all highways streets and roads, and along the property line abutting any residentially zoned or used property of 5 acres in area or less. Existing landscaping and natural features shall be preserved where possible and may be incorporated into the sight barriers. Sight barriers shall meet the requirements for a Type "A" buffer established by Section 8.2(C) of this Ordinance.
- F. **Operational Requirements:** All mineral extraction operations shall comply with the following operational requirements:
1. Noise Levels: Noise levels shall not exceed 65 decibels at any exterior property line of the site. Upon request of the Planning Director, the operator shall submit reports on noise levels from an engineer registered in the State of Indiana stating actual noise levels during mineral extraction operations, to ensure compliance with this section.

6.9 Mineral Extraction Requirements (cont.)

General Mineral Extraction Requirements



2. **Excess Water:** All excess water shall be drained from trucks or other vehicles hauling materials from the location prior to entering onto a public street, road, or highway.
 3. **Injurious Conditions:** Excavation operations shall not cause or result in erosion, land slides, alteration of the ground water table, sand blows, stagnant water pools, bogs, or any other type of injurious condition on the removal site or adjacent premises.
 4. **All Slopes:** No operation shall be permitted which creates a slope steeper than 1 foot horizontal to 1 foot vertical with the exception of rock quarrying, in which case a vertical face will be accepted.
 5. **Slope of Excavations:** Except for rock-quarried areas as provided above, the banks of all excavations not backfilled after cessation of extraction activities shall be sloped to the water line at a slope which shall not be less than 1½ feet horizontal, to 1 foot vertical, and the bank shall be sodded or surfaced with a maximum of 6 inches of suitable soil and seeded with grass seed.
- G. **Expansion of Operations:** No permitted extraction operation shall expand beyond the areas allowed in the original approval. Any expansion may only be allowed upon approval of an additional Conditional Use Permit or Improvement Location Permit.
- H. **Completion of Operations:** Following completion of excavation operations, all facilities and equipment shall be entirely removed from the property and all stockpiles shall be removed or backfilled into the pits within 1 year after completion.
- I. **Performance Guarantee:** Before commencing the operation of rock and gravel removal, each operator shall post a performance guarantee with the city or county, as applicable, to assure reclamation of the property to a safe condition in the event extraction activities are abandoned. The Planning Director may accept a similar performance guarantee required to be posted with another unit of government, such as the State of Indiana, as fulfilling this requirement.
1. **Amount:** The performance guarantee shall be based on an engineer's estimate of the cost per acre to restore the site to a safe condition. This estimate shall be subject to review by the city or county engineer of jurisdiction. For the purposes of this Chapter, "safe condition" shall mean the grading or leveling of any slopes that exceed 4:1; except that around any lake or body of water with a maximum depth exceeding 4 feet, slopes along the water's edge shall not exceed 3:1.
 2. **Term:** The performance guarantee shall run for a minimum of 3 years. The performance guarantee shall be renewed as necessary to cover the time period of the excavation and rehabilitation.



6.9 Mineral Extraction Requirements (cont.)

General Mineral Extraction Requirements

- J. **Application Requirements:** In addition to the requirements provided in Article 12 for the receipt of an Improvement Location Permit or Conditional Use approval, an application for mineral extraction operations shall include the following:
1. **Site Plan:** The site plan for mineral removal shall be drawn and sealed by an engineer registered in the State of Indiana, and shall, in addition to the requirements provided elsewhere in this Ordinance, include the following, at a minimum:
 - a. Shading indicating the extent of land area on which extraction operations and activities will take place, along with the surface area in square feet and acres of the excavation area;
 - b. The location and direction of all water courses and flood control channels that may be affected by the extraction operations;
 - c. Existing elevations of the lands at contour intervals of not more than 5 feet;
 - d. Typical cross sections showing the estimated extent of overburden, and estimated extent of mineral material location in, or on the lands.
 - e. Details of any anticipated impacts on groundwater, including depth to the water table and water quality;
 - f. Mineral processing and storage areas (including crushing, washing, asphalt plants, etc.);
 - g. Details of proposed barrier fencing and security gates;
 - h. Roads for ingress to, and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles;
 - i. A map showing access routes between the subject lands and the nearest public street(s) or road(s);
 - j. Areas to be used for ponding, and;
 - k. Proposed method of managing overburden (e.g., seeding, grading, dust control, erosion and sedimentation control, etc.)
 2. **Narrative:** A narrative description and explanation of the proposed extraction operations and activities, including:
 - a. The date of commencement and estimate of the time period for the proposed extraction operations;
 - b. Proposed hours and days of operation;
 - c. Estimate of type and quantity of mineral materials to be removed;
 - d. Description of extraction and processing methods, including proposed equipment and the noise rating of any equipment or activity involved;
 - e. A summary of the procedures and practices that will be used to ensure compliance with the requirements of this Chapter;

6.9 Mineral Extraction Requirements (cont.)

General Mineral Extraction Requirements



- f. Description of size/haul capacity of trucks and estimated daily volume of traffic entering and leaving the site; and
 - g. Haul route for trucks leaving the site to the nearest state or federal highway.
 3. Site Rehabilitation Plan: A site rehabilitation plan, including the following:
 - a. A written description of planned site rehabilitation and end-use(s), including potential methods of accomplishment and phasing demonstrating that the end-use is feasible and can comply with all applicable requirements of this Ordinance.
 - b. A written statement describing how the end use is consistent with the appropriate jurisdiction's Comprehensive Plan.
 - c. Final grades of the lands as rehabilitated, at contour intervals not exceeding 5 feet;
 - d. Water courses, ponds, or lakes, if any;
 - e. Landscaping and plantings;
 - f. Areas of cut and fill; and
 - g. All of the general components of the proposed end-use(s).
 4. Other Permits: Applications for permits required by any other agency of the state and federal governments, and/or any permits previously granted.
 5. Additional Information: The Board of Zoning Appeals and/or Planning Director may require an assessment of potential environmental effects, engineering data, or other additional information concerning the need for, and consequences of, the extraction that may have consequences on groundwater, drainage, water bodies, flood plains, or other natural features.
- K. **Conditional Use Requirements**: The following requirements shall apply to all conditional use approvals for mineral extraction operations:
 1. Time Period: The Board of Zoning Appeals, in approving the conditional use permit, may set a specific time period for the initial conditional use permit. After the initial time period has elapsed, the Board may approve extensions of the permit, provided that the owner applies in writing for an extension at least 6 months prior to the expiration of the current permit. Requests for extensions shall be reviewed in the same manner as the original conditional use request.
 2. Conditions of Approval: The Board of Zoning Appeals may approve conditions of development and operations, including, but not limited to, hours of operation, determination of truck hauling routes, additional setbacks from residential areas, conditions related to the proposed end use and rehabilitation plan, periodic review of the permit, periodic reports by the operator on the status of the project, or other conditions as may be warranted to meet the intent of this Chapter.